

## REMARKS

### I. Introduction

Claims 1-5 are pending in the above application.

Claims 1-5 stand rejected under 35 U.S.C. § 102(e).

Claim 1 is the only independent claim.

### II. Prior Art Rejections

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Slivka et al. (U.S. Pat. No. 6,049,671) (hereafter "Slivka").

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986); and *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

As explained in Applicant's previous responses, Slivka does not disclose or suggest a method for securely distributing a component from a network host to a network appliance, which includes the steps of: signing, by said network host, a configuration file including a load table which defines a plurality of authorized components for said network appliance; executing a secure kernel and said signed configuration file on said network appliance, said secure kernel including computer code for checking the authenticity of said configuration file and boot code for allowing said network appliance to initially boot up and establish communication with said network host; verifying, by said secure kernel, the authenticity of said configuration file; reading, by said secure kernel, said load table only after said verifying step; and loading said plurality of authorized components defined in said load table onto said network appliance, as recited by

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claim 1. Slivka merely discloses a method of providing mainly updates and patches of programs from an update service to a user's computer. Abs.; col. 5: 47 through col. 6: 56. The system of Slivka requires the user's computer to contain and run a "user update application (UUA) 50 on the user computer" which communicates with "one or more service update applications (SAU) 48" on the update service computer. Col. 5: 66 through col. 6: 11. Either the service update application (SAU) or the user update application (UUA) scans the user's computer for program information, which is compared to a list of available programs, patches, fixes and updates held by the SAU 48. Col. 6: 29-49; col. 7: 13-60. Slivka further discloses that programs, updates, etc. which are selected for download, presumably by the SAU, may be digitally signed, and the digital signature is checked, presumably by the user update application, to determine if access to the downloaded program is authorized. Col. 16: 55 through col. 18: 15.

More particularly, the cabinet files of Slivka, which are presumed to be alleged to correspond to Applicant's claimed "configuration file", correspond to a particular program or group of selected programs for download. Whereas Applicant's claimed configuration file corresponds to a network element. In this regard, Slivka is concerned with allowing a program vendor to provide programs for download (e.g. for sale) to a user without being corrupted. Slivka, col. 18: 55-60. Indeed, Slivka provides a list programs and updates and allows a user to choose which ones they want. Slivka, col. 8: 6-32. Slivka is not concerned whether or not the network element itself is authorized to operate a program, Slivka simply provides an on-line "store" to allow a user to pick an choose any program desired.

The Office action appears to equate Slivka's listing of programs available for download with "authorizing" a network element to access the programs. Office action mailed Dec. 21, 2005, pp. 2-3. However, there does not appear to be any disclosure in Slivka to support the

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contention. Merely listing available software for download does implicate an authorization of the network element. Notably, in one embodiment discussed in Applicant's disclosure, the configuration file is already contained in the network element prior to being authorized.

Application, pg. 3: 4-8; Fig. 1, step 104.

Furthermore, as explained in previous responses, the table discussed in Slivka is merely an installation table which indicates "how many disk clusters will be needed to extract and store the files included in the cabinet file for each cluster size". Col. 15: 50-55. The installation table of Slivka does not define which programs a network appliance is authorized to use. It merely relates to the mechanics of uploading selected programs into a computer. In response, the Office action points to locations in Slivka which discuss formation of the cabinet file, i.e. the files selected for download by a user, and contends that Applicant's disclosed load table also provides for the mechanics of uploading selected programs. However, a group of files selected by a user for download does not define which programs a network appliance is authorized to use. Further, such characterization of Applicant's disclosure is irrelevant to whether Slivka discloses the functions of Applicant's claimed load table, i.e. the fact that Slivka may have an overlapping function as Applicant's disclosed load table does not address whether Slivka performs the function claimed.

Accordingly, as Slivka does not disclose each and every element of the claims, as set forth in the claims, Slivka does not anticipate the above claims.

### III. Conclusion

Having fully responded to the Office action, the application is believed to be in condition

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for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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